

**RULES
OF
TENNESSEE DEPARTMENT OF CONSERVATION
DIVISION OF SURFACE MINING**

**CHAPTER 0400-3-3
CONCLUSION AND RELEASE PROCEDURES**

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0400-3-3-.01 OPERATOR'S OBLIGATION.

The operator's obligation under the provisions of Sections 58-1540-58-1564, T.C.A. shall not be deemed discharged until all applicable requirements of the Law and these regulations have been met and the final reclamation has been approved by the Commissioner. For clarity, details for accomplishment of approval of reclamation and release of bond are contained in that section of these regulations pertaining to each mineral.

Authority: T.C.A. Section 58-1543. **Administrative History.** Original Rule certified May 24, 1974. Amended, filed November 12, 1975, effective December 12, 1975. 0400-3-3-.02 ANNUAL REPORT.

- (1) All operators shall file with the Commissioner, not later than sixty (60) days after the anniversary date of each permit, an annual report under each permit stating the number of acres of land affected by the operations, the extent of reclamation accomplished, and such other information as the Commissioner may reasonably require.
- (2) The report shall include three maps at a scale of 1 500', or reasonable alternate, showing the progress of the reclamation work accomplished as of the anniversary date. Planted areas shall be shown in green, areas re-graded but not planted shall be shown in brown, and areas on which no reclamation work has been done shall be shown in red.
- (3) If the report and the Commissioner's inspection of the area affected show that the operator has complied fully with the provisions of the Law and these regulations, the Commissioner will approve the report and shall release the operator's bond on the acreage which has been reclaimed according to the Law and these regulations, or the remainder thereof if any portion has already been released under other provisions of this Law. If the Commissioner does not approve the report, the bond shall not be released until the operator corrects the deficiencies found by the Commissioner. However, if the Commissioner finds that the operator has fully complied with the provisions of the Law and these regulations with respect to a portion of the affected area and has not so complied with respect to other portions for reasons beyond his control, the Commissioner shall release so much of the bond as is applicable to the area with respect to which there has been such compliance.
- (4) An annual report must be filed under each permit number until all reclamation has been accomplished and the bond released. A supplemental report may be submitted as appropriate to reflect status change for the accomplishment of bond release.

Authority: T.C.A. Section 58-1543. **Administrative History.** Original Rule certified May 24, 1974.

0400-3-3-.03 WAIVER.

- (1) As it pertains to coal: If the land is restored to a state which will, in the opinion of the Commissioner, permit cultivating with normal farm machinery under contract with the owner of such land, the operator will be relieved of all further rehabilitation, except initial re-vegetation with grasses or legumes to prevent soil erosion, by a written release from the Commissioner.
- (2) As it pertains to minerals other than coal: If the land is restored to permit cultivating with normal farm machinery, the operator is relieved of all further rehabilitation except seeding with grass or legumes during the next growing season for quick erosion control.
- (3) The requirement as to re-vegetation may be waived by the Commissioner with respect to any affected area if it is his determination that further efforts toward re-vegetation are impractical.

Authority: T.C.A. Section 58-1543. **Administrative History.** Original Rule certified May 24, 1974. Amended, filed November 12, 1975, effective December 12, 1975.

0400-3-3-.04 REVOCATION AND FORFEITURE.

If the requirements of these regulations or the orders of the Commissioner have not been complied with within the time limits set by the Commissioner, the Commissioner shall cause a notice of noncompliance (or, where found necessary, the Commissioner shall order suspension of a permit) to be served upon the operator by certified mail addressed to the permanent address shown on the application for the permit, or by hand-delivery by an authorized representative of the Division of Surface Mining. The notice shall specify in what respects the operator has failed to comply with the provision of the Law, these regulations, or the orders of the Commissioner. If the operator has not reached an agreement with the Commissioner or has not complied with the requirements set forth in the notice of noncompliance within the time limit stated in the notice, the Commissioner may suspend or revoke the permit. If a permit is suspended, the operator shall cease all mining immediately, but shall continue to pursue the reclamation plan and be responsible for maintaining the site to prevent damage. If the permit is revoked by the Commissioner, the performance bond shall then be forfeited to the Commissioner. When a bond is forfeited pursuant to the provisions of this Law, the Commissioner shall give notice to the Attorney General who shall collect the forfeiture.

Authority: T.C.A. Section 58-1543. **Administrative History.** Original Rule certified May 24, 1974.